

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,

Plaintiff,

v.

DRIVE PLANNING, LLC, and  
RUSSELL TODD BURKHALTER,

Defendants,

and

JACQUELINE BURKHALTER,  
THE BURKHALTER RANCH  
CORPORATION, DRIVE  
PROPERTIES, LLC, DRIVE  
GULFPORT PROPERTIES LLC,  
and TBR SUPPLY HOUSE, INC.,

Relief Defendants.

Case No. 1:24-cv-03583-VMC

**RECEIVER’S UNOPPOSED MOTION FOR AUTHORIZATION TO  
EMPLOY STRETTO AS A NOTICING AND CLAIMS DATA AGENT**

Kenneth D. Murena, as Court-Appointed Receiver (the “Receiver”) in the above-styled action, through undersigned counsel, hereby files his Motion for Authorization to Employ Stretto as a Noticing and Claims Data Agent (hereinafter “Stretto”), and states as follows:

1. This action commenced on August 13, 2024, with the filing of the Securities and Exchange Commission’s (“SEC”) Complaint against Defendants

Drive Planning, LLC and Russell Todd Burkhalter and Relief Defendants Jacqueline Burkhalter, The Burkhalter Ranch Corporation, Drive Properties, LLC, Drive Gulfport Properties LLC, and TBR Supply House, Inc.

2. On August 13, 2024, the Court entered an Order Appointing Receiver (the “Appointment Order”), appointing Kenneth D. Murena, Esq. as Receiver of Drive Planning, LLC (“Driving Planning”). Pursuant to the Appointment Order, the Receiver is authorized to, among other things, “engage and employ persons in his discretion to assist him in carrying out his duties and responsibilities hereunder, including, but not limited to, accountants, attorneys ... financial or business advisers, forensic experts ... or auctioneers.” *See* Appointment Order at ¶ 5. Prior to engaging any such professionals, the Receiver must first obtain an Order of this Court authorizing such engagement. *See* Appointment Order at ¶58. Any professionals that the Receiver engages with this Court’s approval are “entitled to reasonable compensation and expense reimbursement from the Receivership Estate as described in the ‘Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and Exchange Commission’ agreed to by the Receiver.” *Id.* at ¶ 58.

3. Accordingly, pursuant to the Appointment Order, the Receiver seeks the Court’s approval to engage Stretto as a noticing and claims data agent to assist the Receiver to fulfill his duties under the Appointment Order.

4. In particular, the Receiver proposes to employ Stretto to create and send to all known investors a link to a secure portal for investors to upload their proof of investment documentation, to provide a call center to assist investors with technical questions related to the upload of documentation, to collect and sort that investor data for use by the Receiver's forensic accountants, and to coordinate and send mass emails to investors as directed by the Receiver. Investors are eager to communicate by email and send in their documentation, and Stretto's services will provide an efficient and organized method for communicating with investors and for collecting and sorting their data.

5. Based on his extensive experience with collecting information and documents from investors in other federal equity receiverships, the Receiver believes that using Stretto to create and disseminate a secure portal, to provide technical phone support to investors attempting to upload their documentation, and to organize and store the documents and data in an easily searchable database will be more efficient and secure than having the Receiver's law office attempt to collect the documents by email and organize and sift through the data.

6. Stretto's proposal for services and retainer agreement is attached as **Exhibit A** to this Motion. As reflected in the proposal, Stretto's 20% discounted hourly rates range from \$96 to \$443 and most of the work will be performed by professionals billing at hourly rates ranging from \$96 to \$293.

7. The Receiver proposes to pay Stretto an advance retainer of \$15,000 (reduced from \$25,000), which Stretto estimates will cover the creation of the secure portal, the collection of investor email addresses and preparation of a list serve for all future emails to investors, and the mass email distribution to investors, providing a link to the secure portal. Stretto will provide monthly invoices to the Receiver detailing the service it has provided and apply the retainer to the balances of its initial invoices. When the retainer is expended, the Receiver proposes to pay, on a monthly basis, all reasonable amounts set forth in Stretto's invoices and will report the amounts paid in the quarterly status reports he files with the Court. Stretto has assured the Receiver that it will make every effort to keep its fees to a minimum and promptly notify the Receiver of any issues that might arise that could increase the costs to the Estate so the Receiver can attempt to expeditiously resolve the issues and, as necessary and appropriate, seek the input of the SEC and the Court.

#### **CERTIFICATION OF CONFERENCE**

The undersigned counsel certifies that prior to filing this motion the Receiver conferred with counsel for the SEC, and with counsel for Defendants and Relief Defendants, regarding the relief requested herein and such counsel informed undersigned counsel that they consent to the requested relief.

WHEREFORE, the Receiver respectfully requests that this Court enter the proposed Order attached as **Exhibit B**, (i) authorizing the Receiver to retain Stretto

as a noticing and claims data agent for the Receiver, (ii) authorizing the Receiver to pay Stretto an advance retainer of \$15,000, which Stretto may apply to its initial invoices to the Receiver, (iii) authorizing the Receiver to pay all reasonable amounts set forth in Stretto's invoices on a monthly basis, after the retainer is expended, and (iv) for such other and further relief as the Court deems just and proper.

Dated: August 30, 2024

DAMIAN VALORI CULMO

/s/ Russell Landy

Russell Landy

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*Counsel for Receiver Kenneth Dante Murena  
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*Local Counsel for the Receiver*

**CERTIFICATE OF SERVICE, FONT AND MARGINS**

I HEREBY CERTIFY that on August 14, 2024, I electronically filed the foregoing using the CM/ECF System that will automatically send e-mail notification of such filing to all registered attorneys of record.

I FURTHER CERTIFY that I prepared this document in 14 point Times New Roman font and complied with the margin and type requirements of this Court.

Dated: August 30, 2024.

DAMIAN VALORI CULMO

/s/ Russell Landy

Russell Landy

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